

Senate File 435

S-3117

1 Amend Senate File 435 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I  
4 MISCELLANEOUS DUTIES>

5 2. Page 5, after line 25 by inserting:

6 <DIVISION II  
7 VOTER IDENTIFICATION REQUIREMENTS

8 Sec. \_\_\_\_\_. Section 43.49, subsection 1, unnumbered  
9 paragraph 1, Code 2011, is amended to read as follows:

10 On the ~~Monday~~ or Tuesday following the primary  
11 election, the board of supervisors shall meet, open,  
12 and canvass the returns from each voting precinct in  
13 the county, and make abstracts thereof, stating the  
14 following:

15 Sec. \_\_\_\_\_. Section 48A.7A, subsection 1, paragraph  
16 a, Code 2011, is amended to read as follows:

17 a. A person who is eligible to register to vote  
18 and to vote may register on election day by appearing  
19 in person at the polling place for the precinct in  
20 which the individual resides and completing a voter  
21 registration application, making written oath, and  
22 providing proof of identity and ~~residence~~ proof of  
23 residence pursuant to paragraph "b".

24 Sec. \_\_\_\_\_. Section 48A.7A, subsection 1, paragraph  
25 b, Code 2011, is amended to read as follows:

26 b. (1) For purposes of this section, a person  
27 may establish identity and ~~residence by presenting to~~  
28 ~~the appropriate precinct election official a current~~  
29 ~~and valid Iowa driver's license or Iowa nonoperator's~~  
30 ~~identification card or by presenting any of the~~  
31 ~~following current and valid forms of identification if~~  
32 ~~such identification contains the person's photograph~~  
33 ~~and a validity expiration date:~~ by showing proof of  
34 identification as required in section 49.77, subsection  
35 3.

36 ~~(a) An out-of-state driver's license or~~  
37 ~~nonoperator's identification card.~~

38 ~~(b) A United States passport.~~

39 ~~(c) A United States military identification card.~~

40 ~~(d) An identification card issued by an employer.~~

41 ~~(e) A student identification card issued by an~~  
42 ~~Iowa high school or an Iowa postsecondary educational~~  
43 ~~institution.~~

44 (2) ~~If the photographic identification presented~~  
45 ~~does not contain the person's current address in the~~  
46 ~~precinct,~~ For purposes of this section, a person may  
47 establish residence using proof of identification  
48 presented pursuant to section 49.77, subsection 3,  
49 if the proof of identification contains the person's  
50 current address in the precinct. If the proof of

1 identification does not contain the person's current  
2 address in the precinct, the person shall also present  
3 one of the following documents that shows the person's  
4 name and current address in the precinct:

- 5 (a) Residential lease.
- 6 (b) Property tax statement.
- 7 (c) Utility bill.
- 8 (d) Bank statement.
- 9 (e) Paycheck.
- 10 (f) Government check.
- 11 (g) Other government document.

12 Sec. \_\_\_\_\_. Section 48A.7A, subsection 1, paragraph  
13 c, Code 2011, is amended by striking the paragraph.

14 Sec. \_\_\_\_\_. Section 48A.7A, subsections 2 and 3, Code  
15 2011, are amended to read as follows:

16 2. The oath required in subsection 1, paragraph  
17 "a", and in paragraph "c", if applicable, shall be  
18 attached to the voter registration application.

19 3. At any time before election day, and after the  
20 deadline for registration in section 48A.9, a person  
21 who appears in person at the commissioner's office or  
22 at a satellite absentee voting station or whose ballot  
23 is delivered to a health care facility pursuant to  
24 section 53.22 may register to vote and vote an absentee  
25 ballot by following the procedure in this section  
26 for registering to vote on election day. A person  
27 who wishes to vote in person at the polling place on  
28 election day and who has not registered to vote before  
29 the deadline for registering in section 48A.9, is  
30 required to register to vote at the polling place on  
31 election day following the procedure in this section.  
32 However, the person may complete the voter registration  
33 application at the commissioner's office and, after the  
34 commissioner has reviewed the completed application,  
35 may present the application to the appropriate precinct  
36 election official along with proof of ~~identity and~~  
37 residency identification and proof of residence.

38 Sec. \_\_\_\_\_. Section 48A.7A, subsection 4, paragraph  
39 b, Code 2011, is amended by striking the paragraph.

40 Sec. \_\_\_\_\_. Section 48A.8, subsection 2, unnumbered  
41 paragraph 1, Code 2011, is amended to read as follows:

42 An eligible elector who registers by mail and who  
43 has not previously voted in an election for federal  
44 office in the county of registration shall be required  
45 to provide additional identification documents when  
46 voting for the first time in the county, unless the  
47 registrant provided on the registration form the  
48 registrant's Iowa driver's license number, or the  
49 registrant's Iowa nonoperator's identification card  
50 number, or the last four numerals of the registrant's

1 social security number and the driver's license,  
2 nonoperator's identification, or partial social  
3 security number matches an existing state or federal  
4 identification record with the same number, name, and  
5 date of birth. If the registrant is required to show  
6 additional identification under this subsection and  
7 votes in person at the polls, or by absentee ballot  
8 at the commissioner's office or at a satellite voting  
9 station, the registrant shall provide a current and  
10 valid photo identification card, or shall present to  
11 the appropriate election official one of the following  
12 current documents that shows the name and address of  
13 the registrant:

14 Sec. \_\_\_\_\_. Section 48A.8, subsection 4, Code 2011,  
15 is amended to read as follows:

16 4. A registrant under subsection 2 who is required  
17 to present additional identification when casting  
18 a ballot in person shall be permitted to vote a  
19 provisional ballot if the voter does not provide the  
20 required additional identification documents pursuant  
21 to subsection 2. If a voter who is required to present  
22 such additional identification when casting a ballot  
23 votes an absentee ballot by mail, the ballot returned  
24 by the voter shall be considered a provisional ballot  
25 pursuant to sections 49.81 and 53.31.

26 Sec. \_\_\_\_\_. Section 48A.27, subsection 4, paragraph  
27 c, subparagraph (2), Code 2011, is amended to read as  
28 follows:

29 (2) The notice shall contain a statement in  
30 substantially the following form:

31 Information received from the United States postal  
32 service indicates that you are no longer a resident of,  
33 and therefore not eligible to vote in (name of county)  
34 County, Iowa. If this information is not correct,  
35 and you still live in (name of county) County, please  
36 complete and mail the attached postage paid card at  
37 least ten days before the primary or general election  
38 and at least eleven days before any other election at  
39 which you wish to vote. If the information is correct  
40 and you have moved, please contact a local official  
41 in your new area for assistance in registering there.  
42 ~~If you do not mail in the card, you may be required~~  
43 ~~to show identification before being allowed to vote~~  
44 ~~in (name of county) County.~~ If you do not return the  
45 card, and you do not vote in an election in (name of  
46 county) County, Iowa, on or before (date of second  
47 general election following the date of the notice) your  
48 name will be removed from the list of voters in that  
49 county.

50 Sec. \_\_\_\_\_. Section 48A.29, subsection 1, paragraph

1 b, Code 2011, is amended to read as follows:

2 b. The notice shall contain a statement in  
3 substantially the following form:

4 Information received from the United States postal  
5 service indicates that you are no longer a resident  
6 of (residence address) in (name of county) County,  
7 Iowa. If this information is not correct, and you  
8 still live in (name of county) County, please complete  
9 and mail the attached postage paid card at least ten  
10 days before the primary or general election and at  
11 least eleven days before any other election at which  
12 you wish to vote. If the information is correct, and  
13 you have moved, please contact a local official in your  
14 new area for assistance in registering there. ~~If you~~  
15 ~~do not mail in the card, you may be required to show~~  
16 ~~identification before being allowed to vote in (name~~  
17 ~~of county) County.~~ If you do not return the card, and  
18 you do not vote in some election in (name of county)  
19 County, Iowa, on or before (date of second general  
20 election following the date of the notice) your name  
21 will be removed from the list of voters in that county.

22 Sec. \_\_\_\_\_. Section 48A.29, subsection 3, paragraph  
23 b, Code 2011, is amended to read as follows:

24 b. The notice shall contain a statement in  
25 substantially the following form:

26 Information received by this office indicates that  
27 you are no longer a resident of (residence address) in  
28 (name of county) County, Iowa. If the information is  
29 not correct, and you still live at that address, please  
30 complete and mail the attached postage paid card at  
31 least ten days before the primary or general election  
32 and at least eleven days before any other election at  
33 which you wish to vote. If the information is correct,  
34 and you have moved within the county, you may update  
35 your registration by listing your new address on the  
36 card and mailing it back. If you have moved outside  
37 the county, please contact a local official in your  
38 new area for assistance in registering there. ~~If you~~  
39 ~~do not mail in the card, you may be required to show~~  
40 ~~identification before being allowed to vote in (name~~  
41 ~~of county) County.~~ If you do not return the card, and  
42 you do not vote in some election in (name of county)  
43 County, Iowa, on or before (date of second general  
44 election following the date of the notice) your name  
45 will be removed from the list of registered voters in  
46 that county.

47 Sec. \_\_\_\_\_. Section 49.77, subsection 3, Code 2011,  
48 is amended by striking the subsection and inserting in  
49 lieu thereof the following:

50 3. a. A precinct election official shall

1 require the voter to produce for inspection proof of  
2 identification before being allowed to sign the voter  
3 roster or declaration of eligibility.

4 *b.* For purposes of this section, "*proof of*  
5 *identification*" refers to a document that satisfies all  
6 of the following:

7 (1) The document shows the name of the individual  
8 to whom the document was issued which shall conform to  
9 the name on the election register.

10 (2) The document shows a photograph of the  
11 individual to whom it was issued.

12 (3) The document includes an expiration date, and  
13 the document is not expired at the time it is presented  
14 or expired after the date of the last preceding general  
15 election.

16 (4) The document was issued by the United States or  
17 the state of Iowa.

18 *c.* If a voter is unable or refuses to present proof  
19 of identification or the precinct election official  
20 determines the proof of identification provided by the  
21 voter does not qualify as proof of identification under  
22 paragraph "*b*", the precinct election official shall  
23 challenge the voter as provided in section 49.79. If  
24 the voter is challenged under this paragraph "*c*", the  
25 voter shall be offered the option to vote a ballot, but  
26 only in accordance with section 49.81.

27 Sec. \_\_\_\_\_. Section 49.77, Code 2011, is amended by  
28 adding the following new subsection:

29 NEW SUBSECTION. 3A. If proof of identification is  
30 established under subsection 3 to the satisfaction of  
31 the precinct election officials, the person may then  
32 be allowed to vote.

33 Sec. \_\_\_\_\_. Section 49.77, subsection 4, paragraphs a  
34 and b, Code 2011, are amended to read as follows:

35 *a.* A person whose name does not appear on the  
36 election register of the precinct in which that  
37 person claims the right to vote shall not be permitted  
38 to vote, unless the person affirms that the person  
39 is currently registered in the county and presents  
40 proof of identity, ~~or the commissioner informs the~~  
41 ~~precinct election officials that an error has occurred~~  
42 ~~and that the person is a registered voter of that~~  
43 precinct identification pursuant to subsection 3.

44 If the commissioner finds no record of the person's  
45 registration but the person insists that the person  
46 is a registered voter of that precinct, the precinct  
47 election officials shall allow the person to cast a  
48 ballot in the manner prescribed by section 49.81.

49 *b.* If the voter informs the precinct election  
50 official that the voter resides in the precinct and is

1 not registered to vote, the voter may register to vote  
2 pursuant to section 48A.7A and cast a ballot. If such  
3 a voter is unable to establish identity and residency  
4 in the manner provided in section 48A.7A, subsection  
5 1, paragraph "b" or "c", the voter shall be allowed  
6 to cast a ballot in the manner prescribed by section  
7 49.81.

8 Sec. \_\_\_\_\_. Section 49.79, subsection 2, Code 2011,  
9 is amended by adding the following new paragraph:

10 NEW PARAGRAPH. h. The challenged person was unable  
11 or refused to provide proof of identification, or  
12 provided insufficient proof of identification, pursuant  
13 to section 49.77, subsection 3.

14 Sec. \_\_\_\_\_. Section 49.81, subsection 1, Code 2011,  
15 is amended to read as follows:

16 1. A prospective voter who is prohibited under  
17 section 48A.8, subsection 4, section 49.77, subsection  
18 3 or 4, section 49.80, or section 53.19, subsection  
19 3, from voting except under this section shall be  
20 notified by the appropriate precinct election official  
21 that the voter may cast a provisional ballot. The  
22 voter shall mark the ballot and immediately seal it  
23 in an envelope of the type prescribed by subsection  
24 4. The voter shall deliver the sealed envelope to a  
25 precinct election official who shall deposit it in an  
26 envelope marked "provisional ballots". The ballot  
27 shall be considered as having been cast in the special  
28 precinct established by section 53.20 for purposes of  
29 the postelection canvass.

30 Sec. \_\_\_\_\_. Section 49.81, subsection 2, paragraph b,  
31 Code 2011, is amended to read as follows:

32 b. If the person is casting a provisional ballot  
33 because the person failed was unable or refused to  
34 provide a required form of identification under section  
35 48A.7A, subsection 1, section 48A.8, subsection 4, or  
36 section 49.77, subsection 3, a list of the types of  
37 acceptable identification and notification that the  
38 person must show identification before the ballot can  
39 be counted. If a voter is unable or refuses to show  
40 proof of identification required under section 49.77,  
41 subsection 3, the notification shall also inform the  
42 voter of the right to execute an affidavit pursuant to  
43 subsection 5.

44 Sec. \_\_\_\_\_. Section 49.81, Code 2011, is amended by  
45 adding the following new subsection:

46 NEW SUBSECTION. 5. a. If a voter casts a  
47 provisional ballot pursuant to section 49.77,  
48 subsection 3, the precinct election official shall  
49 indicate on the provisional ballot envelope that the  
50 voter was challenged for the voter's inability or

1 refusal to provide proof of identification.

2     **b.** No later than noon on the Monday following  
3 the election, a voter challenged pursuant to section  
4 49.77, subsection 3, paragraph "c", shall appear at the  
5 commissioner's office and execute an affidavit in the  
6 form prescribed by the state commissioner, affirming  
7 that the voter is the same individual who personally  
8 appeared before the precinct election board and cast  
9 the provisional ballot on election day. The voter  
10 must also present proof of identification required by  
11 section 49.77, subsection 3, or further affirm either  
12 of the following:

13     (1) The voter is indigent and unable to obtain  
14 proof of identification without the payment of a fee.

15     (2) The voter has a religious objection to being  
16 photographed.

17     **c.** If the board determines that the voter has  
18 been challenged solely for the inability or refusal  
19 of the voter to provide proof of identification and  
20 the voter presents proof of identification or executes  
21 the affidavit, as provided in paragraph "b", the board  
22 shall find that the provisional ballot is valid and  
23 direct that it be counted.

24     Sec. \_\_\_\_\_. Section 50.24, subsection 1, Code 2011,  
25 is amended to read as follows:

26     1. The county board of supervisors shall meet to  
27 canvass the vote on the first ~~Monday or~~ Tuesday after  
28 the day of each election to which this chapter is  
29 applicable, unless the law authorizing the election  
30 specifies another date for the canvass. If that ~~Monday~~  
31 ~~or~~ Tuesday is a public holiday, section 4.1, subsection  
32 34, controls.

33     Sec. \_\_\_\_\_. Section 50.46, Code 2011, is amended to  
34 read as follows:

35     **50.46 Special elections — canvass and certificate.**

36     When a special election has been held to fill a  
37 vacancy, pursuant to section 69.14, the board of  
38 county canvassers shall meet ~~no earlier than 1:00 p.m.~~  
39 ~~on the second day after the election, on the first~~  
40 Tuesday following the election and canvass the votes  
41 cast at the election. If the second day first Tuesday  
42 after the election is a public holiday, section 4.1,  
43 subsection 34, controls. The commissioner, as soon as  
44 the canvass is completed, shall transmit to the state  
45 commissioner an abstract of the votes so canvassed,  
46 and the state board, within five days after receiving  
47 such abstracts, shall canvass the tally lists. A  
48 certificate of election shall be issued by the county  
49 or state board of canvassers, as in other cases. All  
50 the provisions regulating elections, obtaining tally

1 lists, and canvass of votes at general elections,  
2 except as to time, shall apply to special elections.

3 Sec. \_\_\_\_\_. Section 50.48, subsection 7, Code 2011,  
4 is amended to read as follows:

5 7. If the election is an election held by a city  
6 which is not the final election for the office in  
7 question, the recount shall progress according to the  
8 times provided by this subsection. If this subsection  
9 applies the canvass shall be held ~~by the second day~~  
10 on the Tuesday after the election, the request for a  
11 recount must be made by the ~~third~~ eighth day after  
12 the election, the board shall convene to conduct the  
13 recount by the ~~sixth~~ ninth day after the election, and  
14 the report shall be filed by the ~~eleventh~~ thirteenth  
15 day after the election.

16 Sec. \_\_\_\_\_. Section 53.10, subsection 2, Code 2011,  
17 is amended to read as follows:

18 2. Each person who wishes to vote by absentee  
19 ballot at the commissioner's office shall first sign  
20 an application for a ballot including the following  
21 information: name, current address, and the election  
22 for which the ballot is requested. The person may  
23 report a change of address or other information on  
24 the person's voter registration record at that time.  
25 The person must also provide proof of identification  
26 pursuant to section 49.77, subsection 3, before  
27 receiving an absentee ballot. Upon receipt of a  
28 ballot, the registered voter shall immediately mark  
29 the ballot; enclose the ballot in a secrecy envelope,  
30 if necessary, and seal it in an affidavit envelope;  
31 subscribe to the affidavit on the reverse side of  
32 the envelope; and return the absentee ballot to the  
33 commissioner. The commissioner shall record the  
34 numbers appearing on the application and affidavit  
35 envelope along with the name of the registered voter.

36 Sec. \_\_\_\_\_. Section 53.22, subsection 1, Code 2011,  
37 is amended by adding the following new paragraph:

38 NEW PARAGRAPH. d. Before receiving a ballot under  
39 this subsection, each applicant shall present proof of  
40 identification pursuant to section 49.77, subsection 3,  
41 to the special precinct election board members. If an  
42 applicant is unable to present proof of identification,  
43 the voter's ballot shall be considered a provisional  
44 ballot cast pursuant to section 49.81, and the special  
45 precinct election board members shall give the voter  
46 an opportunity to execute an affidavit in a form  
47 prescribed by the state commissioner affirming either  
48 of the reasons listed in section 49.81, subsection 5,  
49 paragraph "b", or that the voter is confined to the  
50 health care facility or hospital and therefore unable

1 to obtain proof of identification.

2 Sec. \_\_\_\_\_. Section 144.46, Code 2011, is amended by  
3 adding the following new subsection:

4 NEW SUBSECTION. 3. The fees adopted by the  
5 department pursuant to subsection 1 shall not be  
6 assessed to applicants who execute an affidavit  
7 indicating the applicant is obtaining a certified copy  
8 of a birth certificate for the purpose of obtaining an  
9 Iowa nonoperator's identification card to be used for  
10 voting.

11 Sec. \_\_\_\_\_. Section 277.20, unnumbered paragraph 1,  
12 Code 2011, is amended to read as follows:

13 On the next ~~Friday~~ Tuesday after the regular school  
14 election, the county board of supervisors shall  
15 canvass the returns made to the county commissioner  
16 of elections from the several precinct polling places  
17 and the absentee ballot counting board, ascertain  
18 the result of the voting with regard to every matter  
19 voted upon and cause a record to be made thereof as  
20 required by section 50.24. Special elections held in  
21 school districts shall be canvassed at the time and  
22 in the manner required by that section. The board  
23 shall declare the results of the voting for members of  
24 boards of directors of school corporations nominated  
25 pursuant to section 277.4, and the commissioner shall  
26 at once issue a certificate of election to each person  
27 declared elected. The board shall also declare the  
28 results of the voting on any public question submitted  
29 to the voters of a single school district, and the  
30 commissioner shall certify the result as required by  
31 section 50.27.

32 Sec. \_\_\_\_\_. Section 321.190, subsection 1, paragraph  
33 d, Code 2011, is amended to read as follows:

34 d. The fee for a nonoperator's identification card  
35 shall be five dollars and the card shall be valid for  
36 a period of five years from the date of issuance. A  
37 nonoperator's identification card shall be issued  
38 without expiration to anyone age seventy or over. If  
39 an applicant for a nonoperator's identification card  
40 is a foreign national who is temporarily present in  
41 this state, the nonoperator's identification card  
42 shall be issued only for the length of time the foreign  
43 national is authorized to be present as determined by  
44 the department, not to exceed two years. An issuance  
45 fee shall not be charged for a person whose driver's  
46 license or driving privilege has been suspended  
47 under section 321.210, subsection 1, paragraph  
48 "a", subparagraph (3), or for a person obtaining an  
49 identification card to be used under section 49.77,  
50 subsection 3, for voting purposes.

1     Sec. \_\_\_\_\_. Section 331.605, subsection 1, paragraph  
2 f, Code 2011, is amended to read as follows:

3     f. A county fee of four dollars for a certified  
4 copy of a birth record, death record, or marriage  
5 certificate. The fee prescribed by this paragraph  
6 shall not be assessed to applicants requesting a  
7 certified copy of a birth record if the applicant  
8 executes an affidavit indicating the applicant is  
9 requesting the certified copy of a birth record  
10 for the purpose of obtaining an Iowa nonoperator's  
11 identification card to be used for voting.

12     Sec. \_\_\_\_\_. Section 376.7, subsection 1, Code 2011,  
13 is amended to read as follows:

14     1. If a primary election is necessary, it shall be  
15 held on the Tuesday four weeks before the date of the  
16 regular city election. For each office on the ballot,  
17 a voter shall only vote for the number of persons to be  
18 elected to that office at the regular city election.  
19 The county board of supervisors shall publicly canvass  
20 the tally lists of the vote cast in the primary  
21 election, following the procedures prescribed in  
22 section 50.24, at a meeting to be held on the ~~second~~  
23 ~~day first Tuesday~~ following the primary election, ~~and~~  
24 ~~beginning no earlier than 1:00 p.m. on that day.~~

25     Sec. \_\_\_\_\_. Section 376.9, subsection 1, Code 2011,  
26 is amended to read as follows:

27     1. A runoff election may be held only for positions  
28 unfilled because of failure of a sufficient number of  
29 candidates to receive a majority vote in the regular  
30 city election. When a council has chosen a runoff  
31 election in lieu of a primary, the county board of  
32 supervisors shall publicly canvass the tally lists of  
33 the vote cast in the regular city election, following  
34 the procedures prescribed in section 50.24, at a  
35 meeting to be held on the ~~second day first Tuesday~~  
36 following the regular city election, ~~and beginning no~~  
37 ~~earlier than 1:00 p.m. on that day.~~ Candidates who  
38 do not receive a majority of the votes cast for an  
39 office, but who receive the highest number of votes  
40 cast for that office in the regular city election, to  
41 the extent of twice the number of unfilled positions,  
42 are candidates in the runoff election.

43     Sec. \_\_\_\_\_. EFFECTIVE DATE AND APPLICABILITY. This  
44 division of this Act takes effect January 1, 2012, and  
45 applies to elections held on or after that date.>

46     3. Title page, line 1, after <to> by inserting  
47 <government officials and activities, including>

48     4. Title page, line 1, after <auditor> by inserting  
49 <and voting>

50     5. By renumbering as necessary.

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BILL DIX

---

JACK WHITVER

---

KENT SORENSON

---

RICK BERTRAND

---

MARK CHELGREN

---

RANDY FEENSTRA

---

JAMES F. HAHN

---

MERLIN BARTZ

---

NANCY J. BOETTGER

---

SHAWN HAMERLINCK

---

STEVE KETTERING

---

DAVID JOHNSON

---

TIM KAPUCIAN

---

ROBY SMITH

---

BILL ANDERSON

---

JAMES A. SEYMOUR

---

SANDRA H. GREINER

---

ROBERT BACON

---

HUBERT HOUSER

---

JONI ERNST

---

PAUL McKINLEY

---

JERRY BEHN

---

BRAD ZAUN